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In re Application of :
TAKAHASHI et al. :
US Application No.: 10/521,553 :
PCT Application No.: PCT/JP2002/008757 :
Int. Filing Date: 29 August 2002 : DECISION
Atty Docket No.: XA-10261 :
For: SEMICONDUCTOR PROCESSING DEVICE AND :
IC CARD :

This is in response to applicants' "PETITION TO VACATE NOTIFICATION OF ABANDONMENT" filed on 13 April 2007, which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 29 August 2002, applicants filed international application PCT/JP2002/008757. On 19 January 2005, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371 (C)(1).

On 26 July 2005, the DO/EO/US mailed a Notification of Missing Requirement Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), which required an executed declaration and an English translation of the claims.

On 26 October 2005, applicant submitted an executed oath and the surcharge fee of \$130.

On 04 August 2006, the DO/EO/US mailed a Notification of Defective Response (PCT/DO/EO/US), which required the submission of the translation of the original claims with a surcharge.

On 29 March 2007, the DO/EO/US mailed a Notification of Abandonment (PCT/DO/EO/909).

On 13 April 2007, applicants filed the present petition to vacate the Notification of Abandonment.

DISCUSSION

A review of the application file reveals that the applicant submitted a response on 05 September 2006, the time limit for reply as required by the Notification of Defective Response. The response filed on 05 September 2006 included a translation of the original set of claims and a translation of the International Preliminary Examination Report (IPER). Therefore, the Notice of Abandonment was issued in error and is hereby VACATED.

CONCLUSION

For the reason above, the petition under 37 CFR 1.181 is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371 (c)(1),(c)(2) and (c)(4) date is 05 September 2006.


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